

CLOSED

**U.S. District Court [LIVE]
Eastern District of TEXAS (Sherman)
CRIMINAL DOCKET FOR CASE #: 4:07-cr-00158-MAC-CAN-4**

Case title: USA v. Cortez et al

Date Filed: 08/09/2007

Date Terminated: 10/15/2008

Assigned to: Judge Marcia A. Crone
Referred to: Magistrate Judge Christine
A. Nowak

Defendant (4)**Michael Edwin Lusty**

TERMINATED: 10/15/2008

represented by **Micah Shawn Belden**

Micah Belden
711 N. Travis
Sherman, TX 75090
903-744-4252
Fax: 903-532-0223
Email: beldendwi@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Wayne Ray Dickey

Federal Public Defender
110 N. College
Suite 1122
Tyler, TX 75702
903/531-9233
Fax: 9035319625
Email: wayne_dickey@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

CONSPIRACY TO POSSESS
CONTROLLED SUBSTANCE
(1)

Disposition

Imprisonment for a term of 130 months;
fine waived; supervised release 5 years;
\$100 special assessment

Highest Offense Level (Opening)

Felony

Terminated CountsDisposition

None

Highest Offense Level (Terminated)

None

ComplaintsDisposition

None

Plaintiff

USA

represented by **Ernest Gonzalez**

U S Attorney's Office - Plano
 101 E Park Blvd
 Suite 500
 Plano, TX 75074
 972/509-1201
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 Email: ernest.gonzalez@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/09/2007	<u>15</u>	SEALED INDICTMENT as to Christopher Cortez (1) count(s) 1, Sealed Dft #2 (2) count(s) 1, Sealed Dft #3 (3) count(s) 1, Sealed Dft #4 (4) count(s) 1, Sealed Dft #5 (5) count(s) 1. (pad,) (Entered: 08/13/2007)
08/09/2007	<u>16</u>	NOTICE of Case Association by USA as to Christopher Cortez, Sealed Dft #2, Sealed Dft #3, Sealed Dft #4, Sealed Dft #5 (pad,) (Entered: 08/13/2007)
09/13/2007	<u>29</u>	Petition for Writ of Habeas Corpus ad Prosequendum as to Sealed Dft #4 (Attachments: # <u>1</u> Text of Proposed Order)(pad,) (Entered: 09/13/2007)
09/13/2007	<u>30</u>	ORDER for Writ and Writ of Habeas Corpus Ad Prosequendum as to Sealed Dft #4 . Signed by Judge Don D. Bush on 9/13/2007. (pad,) (Entered: 09/13/2007)
10/22/2007	<u>52</u>	Minute Entry for proceedings held before Judge Don D. Bush :Initial Appearance as to Michael Edwin Lusty held on 10/22/2007 Arraignment set for 10/24/2007 10:00 AM in Ctrm A01 (Sherman) before Magistrate Judge Don D. Bush. Detention Hearing set for 10/24/2007 10:00 AM in Ctrm A01 (Sherman) before Magistrate Judge Don D. Bush. (Court Reporter Bryn & Associates.) (snh,) (Entered: 10/24/2007)
10/22/2007	<u>53</u>	

		ORDER OF TEMPORARY DETENTION as to Michael Edwin Lusty . Signed by Judge Don D. Bush on 10/22/07. (snh,) (Entered: 10/24/2007)
10/24/2007	<u>54</u>	Minute Entry for proceedings held before Judge Don D. Bush :Arraignment as to Michael Edwin Lusty (4) Count 1 held on 10/24/2007 Detention Hearing set for 10/30/2007 02:00 PM in Ctrm A01 (Sherman) before Magistrate Judge Don D. Bush. (Court Reporter Bryn & Associates.) (snh,) (Entered: 10/24/2007)
10/24/2007	<u>55</u>	ORDER - PRETRIAL DISCOVERY & INSPECTION as to Michael Edwin Lusty Jury Trial set for 12/3/2007 10:00 AM in Ctrm 102 (Tyler) before Judge Michael H. Schneider. Pretrial Conference set for 11/28/2007 09:00 AM in Ctrm 102 (Tyler) before Judge Michael H. Schneider.. Signed by Judge Don D. Bush on 10/24/07. (snh,) (Entered: 10/24/2007)
10/30/2007	<u>57</u>	Minute Entry for proceedings held before Judge Don D. Bush :Detention Hearing as to Michael Edwin Lusty held on 10/30/2007 (Court Reporter Bryn & Associates.) (pad,) (Entered: 11/01/2007)
10/30/2007	<u>58</u>	WAIVER of Detention Hearing by Michael Edwin Lusty (pad,) (Entered: 11/01/2007)
10/30/2007	<u>59</u>	ORDER OF DETENTION as to Michael Edwin Lusty . Signed by Judge Don D. Bush on 10/30/2007. (pad,) (Entered: 11/01/2007)
10/31/2007		INDICTMENT UNSEALED as to Christopher Cortez, Steven Livar, Michael Edwin Lusty, Joe Daniel Guerra (pad,) (Entered: 10/31/2007)
10/31/2007		Reset Hearings as to Christopher Cortez, Steven Livar, Michael Edwin Lusty: Pretrial Conference and Trial Scheduling set for 1/7/2008 09:00 AM before Judge Michael H. Schneider. (pad,) (Entered: 10/31/2007)
11/05/2007	<u>60</u>	CJA 20 as to Michael Edwin Lusty: Appointment of Attorney Micah Shawn Belden for Michael Edwin Lusty . Signed by Judge Don D. Bush on 10/22/2007. (pad,) (Entered: 11/05/2007)
11/09/2007	<u>61</u>	E-GOV SEALED Arrest Warrant Returned Executed on 10/18/07. in case as to Michael Edwin Lusty. (lhj,) (Entered: 11/09/2007)
12/18/2007	<u>72</u>	ORDER as to Christopher Cortez, Jimmy Ray Cantu, Steven Livar, Michael Edwin Lusty GRANTING re 71 MOTION to Continue <i>Pretrial Motion Dates, Change of Plea Deadline, and Trial Date</i> filed by Jimmy Ray Cantu Plea Agreement due by 2/25/2008. Pretrial Conference and trial scheduling set for 3/3/2008 09:00 AM in Ctrm 102 (Tyler) before Judge Michael H. Schneider. Signed by Judge Michael H. Schneider on 12/17/07. (snh,) (Entered: 12/18/2007)
02/22/2008	<u>89</u>	MOTION to Continue by USA as to Christopher Cortez, Jimmy Ray Cantu, Steven Livar, Michael Edwin Lusty, Joe Daniel Guerra. (Attachments: # <u>1</u> (Gonzalez, Ernest) (Entered: 02/22/2008)
02/25/2008	<u>94</u>	ORDER as to Christopher Cortez, Jimmy Ray Cantu, Steven Livar, Michael Edwin Lusty, Joe Daniel Guerra granting <u>89</u> MOTION to Continue filed by USA Plea Agreement due by 5/5/2008. Pretrial Conference and Trial Setting set for 5/12/2008 09:00 AM in Ctrm 208 (Sherman) before Judge Michael H.

		Schneider. Signed by Judge Michael H. Schneider on 2/25/08. (snh,) (Entered: 02/25/2008)
03/04/2008	<u>96</u>	NOTICE OF PLEA AGREEMENT as to Michael Edwin Lusty. (Gonzalez, Ernest) (Entered: 03/04/2008)
03/04/2008	<u>97</u>	***REPLACED WITH DOCUMENT #98*** ELEMENTS of the Offense by USA as to Michael Edwin Lusty (Gonzalez, Ernest) Modified on 3/5/2008 (pad,). (Entered: 03/04/2008)
03/04/2008	<u>98</u>	ELEMENTS of the Offense <i>Replaces Doc. #97</i> by USA as to Michael Edwin Lusty (Gonzalez, Ernest) (Entered: 03/04/2008)
03/12/2008	<u>99</u>	NOTICE OF HEARING as to Michael Edwin Lusty Change of Plea Hearing set for Tuesday, 3/25/2008 10:00 AM in US Courthouse Annex, 200 N Travis (Sherman) before Magistrate Judge Don D. Bush. (ttm,) (Entered: 03/12/2008)
03/25/2008	<u>101</u>	Minute Entry for proceedings held before Judge Don D. Bush :Change of Plea Hearing as to Michael Edwin Lusty held on 3/25/2008, Plea entered by Michael Edwin Lusty (4) Guilty Count 1. (Court Reporter Bryn & Associates.) (pad,) (Entered: 03/27/2008)
03/25/2008	<u>102</u>	CONSENT to Administration of Guilty Plea and Fed.R.Crim.P.11 Allocution by U.S. Magistrate Judge by Michael Edwin Lusty (pad,) (Entered: 03/27/2008)
03/25/2008	<u>103</u>	SEALED PLEA AGREEMENT as to Michael Edwin Lusty (pad,) (Entered: 03/27/2008)
03/25/2008	<u>104</u>	Statement of Facts in Support of Plea Agreement by USA as to Michael Edwin Lusty. (pad,) (Entered: 03/27/2008)
04/02/2008	<u>113</u>	FINDINGS OF FACT and Recommendation on Guilty Plea Before the United States Magistrate Judge as to Michael Edwin Lusty. Signed by Judge Don D. Bush on 4/1/2008. (pad,) (Entered: 04/03/2008)
04/04/2008	<u>114</u>	ORDER Adopting Magistrate's Report and Finding the Defendant Guilty on Count One of the Indictment as to Michael Edwin Lusty. Signed by Judge Michael H. Schneider on 4/4/2008. (pad,) (Entered: 04/04/2008)
04/29/2008	<u>127</u>	ORDER GRANTING MOTION FOR CONTINUANCE - as to Christopher Cortez, Jimmy Ray Cantu, Steven Livar, Michael Edwin Lusty, Joe Daniel Guerra re 120 First MOTION to Continue <i>Pretrial Deadlines and Trial</i> filed by Joe Daniel Guerra. Plea Agreement due by 6/30/2008. Pretrial Conference and Trial Scheduling reset for 7/7/2008 09:00 AM in Ctrm 208 (Sherman) before Judge Michael H. Schneider. Signed by Judge Michael H. Schneider on 4/28/08. (snh,) (Entered: 04/29/2008)
07/22/2008		NOTICE OF HEARING in SHERMAN, TEXAS as to Michael Edwin Lusty Sentencing set for Thursday, October 9, 2008 at 9:00 AM at the United States Courthouse Annex, 200 N. Travis Street, SHERMAN, TEXAS before Judge Michael H. Schneider. (lgp,) (Entered: 07/22/2008)
10/02/2008	<u>171</u>	

		SENTENCING MEMORANDUM by Michael Edwin Lusty (Belden, Micah) (Entered: 10/02/2008)
10/09/2008	<u>172</u>	Minute Entry for proceedings held before Judge Michael H. Schneider: Sentencing held on 10/9/2008 for Michael Edwin Lusty (4), Count (s) 1, Imprisonment for a term of 151 months; fine waived; supervised release 5 years; \$100 special assessment. Defendant advised of right to appeal and court-appointed counsel. Defendant remanded to custody of USM. (Court Reporter Jan Mason.) (lgp,) (Entered: 10/09/2008)
10/09/2008	<u>173</u>	SEALED PRESENTENCE INVESTIGATION REPORT (Sealed) as to Michael Edwin Lusty (lgp,) (Entered: 10/09/2008)
10/09/2008	<u>174</u>	SEALED PSI - SENTENCING RECOMMENDATION as to Michael Edwin Lusty (lgp,) (Entered: 10/09/2008)
10/15/2008	<u>176</u>	JUDGMENT as to Michael Edwin Lusty (4), Count(s) 1, Imprisonment for a term of 151 months; fine waived; supervised release 5 years; \$100 special assessment. Signed by Judge Michael H. Schneider on 10/14/2008. (pad,) (Entered: 10/15/2008)
10/15/2008	<u>177</u>	SEALED Statement of Reasons re <u>176</u> Judgment. (pad,) (Entered: 10/15/2008)
10/17/2008		CJA 20 voucher as to Michael Edwin Lusty payable to Micah Belden signed by Judge Michael H. Schneider and forwarded to Peggy Thompson for payment. (lgp,) (Entered: 10/17/2008)
10/20/2008	<u>190</u>	SEALED CJA20 as to Michael Edwin Lusty: Authorization to Pay Micah Belden. Amount: \$4,523.14, Voucher #081020000121. Signed by Judge Michael H. Schneider on 10/17/08. (bsp) (Entered: 11/12/2008)
01/04/2010		SPECIAL ASSESSMENT PAID in full on 01/04/10 by Michael Edwin Lusty. Receipt #via BOP. (bsp) (Entered: 01/14/2010)
01/22/2013		Case as to Christopher Cortez, Jimmy Ray Cantu, Steven Livar, Michael Edwin Lusty, Joe Daniel Guerra Reassigned to Judge Marcia A. Crone and Magistrate Judge Amos L. Mazzant. Judge Michael H. Schneider, Magistrate Judge Don D. Bush no longer assigned to the case. (pad,) (Entered: 01/22/2013)
10/09/2014	<u>223</u>	MOTION to Appoint Counsel by Michael Edwin Lusty. (Attachments: # <u>1</u> Text of Proposed Order)(Dickey, Wayne) (Entered: 10/09/2014)
10/16/2014	<u>224</u>	ORDER granting <u>223</u> Motion to Appoint Counsel as to Michael Edwin Lusty (4). Signed by Magistrate Judge Amos L. Mazzant on 10/16/14. (dm,) (Entered: 10/16/2014)
01/15/2015	<u>227</u>	MOTION to Reduce Sentence - USSC Amendment by Michael Edwin Lusty. (Attachments: # <u>1</u> Text of Proposed Order)(Dickey, Wayne) (Entered: 01/15/2015)
04/23/2015	<u>228</u>	RESPONSE to Motion by USA as to Michael Edwin Lusty re <u>227</u> MOTION to Reduce Sentence - USSC Amendment (Attachments: # <u>1</u> Text of Proposed Order)(Middleton, Robert) (Entered: 04/23/2015)

04/27/2015	<u>229</u>	ORDER REDUCING SENTENCE - USSC Amendment as to Michael Edwin Lusty (4), Count(s) 1, Imprisonment for a term of 130 months; fine waived; supervised release 5 years; \$100 special assessment. Except as otherwise provided, all provisions of the judgment dated 10/15/2008 shall remain in effect.. Signed by Judge Marcia A. Crone on 4/27/15. (snh,) (Additional attachment(s) added on 4/27/2015: # <u>1</u> Page 2) (snh,). (Entered: 04/27/2015)
08/22/2016		Case as to Christopher Cortez, Jimmy Ray Cantu, Steven Livar, Michael Edwin Lusty, Joe Daniel Guerra Reassigned to Magistrate Judge Don D. Bush. Magistrate Judge Amos L. (Mag) Mazzant no longer assigned to the case. (pad,) (Entered: 08/22/2016)
04/07/2017		Case as to Christopher Cortez, Jimmy Ray Cantu, Steven Livar, Michael Edwin Lusty, Joe Daniel Guerra reassigned to Magistrate Judge Christine A. Nowak. Magistrate Judge Don D. Bush no longer assigned to the case. (ttm,) (Entered: 04/07/2017)

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FILED
U.S. DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS

EASTERN DISTRICT OF TEXAS

AUG -9 2007

DAVID J. WILAND, CLERK
BY
DEPUTY

SHERMAN DIVISION

UNITED STATES OF AMERICA

VS.

CHRISTOPHER CORTEZ (1)
JIMMY RAY CANTU (2)
STEVEN LIVAR (3)
MICHAEL EDWIN LUSTY (4)
JOE DANIEL GUERRA (5)

§
§
§ CAUSE NO. 4:07CR 158
§ Judge Schneider
§
§
§
§
§

INDICTMENT

SEALED

The United States Grand Jury charges:

COUNT 1

Violation: Title 21 U.S.C. § 846
(Conspiracy to Possess with Intent to
Manufacture and Distribute
Methamphetamine)

That from sometime on or about May 2004, and continuously thereafter up to and including August 8, 2007, in the Eastern District of Texas and elsewhere,

CHRISTOPHER CORTEZ
JIMMY RAY CANTU
STEVEN LIVAR
MICHAEL EDWIN LUSTY
JOE DANIEL GUERRA

defendants herein, did knowingly and intentionally combine, conspire, and agree with each other and other persons known and unknown to the United States Grand Jury to knowingly and intentionally possess with the intent to manufacture and distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 50 grams or more of methamphetamine

INDICTMENT/NOTICE OF PENALTY - Page 1

(actual), a violation of Title 21, United States Code, Section 841(a)(1).

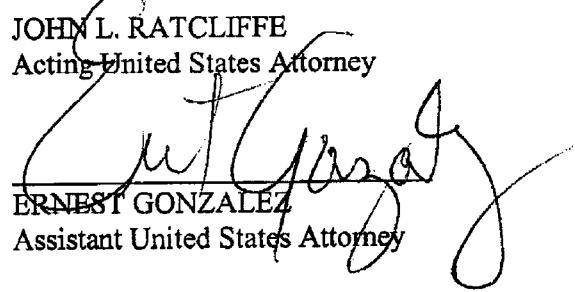
All in violation of Title 21, United States Code, Section 846.

A TRUE BILL

DCB

FOREMAN OF THE GRAND JURY

JOHN L. RATCLIFFE
Acting United States Attorney


ERNEST GONZALEZ
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

UNITED STATES OF AMERICA

VS.

CHRISTOPHER CORTEZ (1)

JIMMY RAY CANTU (2)

STEVEN LIVAR (3)

MICHAEL EDWIN LUSTY (4)

JOE DANIEL GUERRA (5)

§

§

§ CAUSE NO. 4:07CR _____

§ Judge _____

§

§

§

§

§

NOTICE OF PENALTY

COUNT 1

Violation: 21 U.S.C. § 846

Penalty: If 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or if 50 grams or more of Methamphetamine (actual) -- not less than 10 years and not more than life imprisonment, a fine not to exceed \$4 million, or both; supervised release of at least five (5) years;

If 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine or if 5 grams or more of Methamphetamine (actual) -- not less than five (5) and not more than 40 years imprisonment, a fine not to exceed \$2 million, or both; supervised release of at least four (4) years;

If less than 50 grams of a mixture or substance containing a detectable amount of methamphetamine or if less than 5 grams of Methamphetamine (actual) -- not more than 20 years imprisonment, a fine not to exceed \$1 million, or both; supervised release of at least three (3) years.

Special Assessment: \$100.00

United States District Court

EASTERN DISTRICT OF TEXAS

Sherman

UNITED STATES OF AMERICA

V.

MICHAEL EDWIN LUSTY

JUDGMENT IN A CRIMINAL CASE

Case Number: 4:07CR00158-004

USM Number: 15101-078

Micah Shawn Belden

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1 of an Indictment

pleaded nolo contendere to count(s) _____ which was accepted by the court.

was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 USC § 846	Conspiracy to Possess with Intent to Manufacture and Distribute Methamphetamine	08/08/2007	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/9/2008

Date of Imposition of Judgment

Signature of Judge

Michael H. Schneider

United States District Judge

Name and Title of Judge

Date

DEFENDANT: MICHAEL EDWIN LUSTY
CASE NUMBER: 4:07CR00158-004

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **151 months**

The court makes the following recommendations to the Bureau of Prisons:

The defendant participate in an appropriate substance abuse treatment program, if eligible.
The defendant be incarcerated at Fort Worth or a facility near the Dallas/Fort Worth area, if eligible.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____.
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____.
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MICHAEL EDWIN LUSTY

CASE NUMBER: 4:07CR00158-004

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 5 years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: MICHAEL EDWIN LUSTY
CASE NUMBER: 4:07CR00158-004

ADDITIONAL SUPERVISED RELEASE TERMS

The defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring efforts to obtain and maintain lawful employment.

The defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer.

DEFENDANT: MICHAEL EDWIN LUSTY

CASE NUMBER: 4:07CR00158-004

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>TOTALS</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
	\$ 100.00	\$ 0.00	\$ 0.00

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>	

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: MICHAEL EDWIN LUSTY
CASE NUMBER: 4:07CR00158-004

Judgment — Page 6 of 6

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A Lump sum payment of \$ 100.00 due immediately, balance due
 not later than _____, or
 in accordance C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to:

the U.S. District Court, Fine & Restitution Section, P.O. Box 570, Tyler, TX 75710.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.
 The defendant shall pay the following court cost(s):
 The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.